

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. Z.B.-2021-08

Application PB#2021-03

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
JOHN BIRCH
BLOCK 80, LOT 11
RA LOW DENSITY RESIDENTIAL ZONING DISTRICT
IMPERVIOUS LOT COVERAGE
VARIANCE
APPROVAL**

Decided: May 3, 2021
Resolution Memorialized: June 3, 2021

WHEREAS, John Birch has made application to the Florence Township Zoning Board of Adjustment seeking an impervious lot coverage variance to allow construction of a 16' x 10' addition to the existing dwelling and widening of the driveway at a property located at 425 East Ninth Street and known on the Official Tax Maps of the Township of Florence as Lot 11 of Block 80;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that the applicant had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its May 3, 2021 regular meeting;

WHEREAS, the applicant appeared *pro se*, was sworn, and offered his testimony in support of the application;

WHEREAS, the Board, based upon the recommendations of the Board Engineer, found the variance application sufficiently complete to be heard;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for an impervious lot coverage variance to allow construction of a 16' x 10' addition to the existing dwelling and widening of the driveway at a property located at 425 East Ninth Street and known on the Official Tax Maps of the Township of Florence as Lot 11 of Block 80.
4. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. Proof that no taxes were due on the subject properties at the time of the application;
 - d. A survey drawing entitled prepared by Rick H. Tkacs, PLS showing the property outbounds, and that has been annotated by the applicant to subsequent and proposed improvements;
 - e. Zoning Officer's Certification;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
5. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated April 27, 2021 commenting upon the application which is hereby incorporated into the record.
6. Existing lot coverage is 31% (previously approved by the Zoning Board under its Resolution 2008-35 to allow construction of a garage), maximum permitted lot coverage is 25% (20% + 5% for pools and sheds), and proposed lot coverage will be 34%.

7. The applicant testified that there are many nearby properties with similar amenities and intensities of development, that the proposed development will be consistent with the character of the neighborhood, and that there are no existing problems with runoff or drainage.
8. With regard to the driveway, the applicant testified that the existing width is 15 ft., and a width of 18 ft. is proposed to allow side by side parking of two cars. The applicant proposes an asphalt surface for the driveway, and it will be at least 5 ft. from the property sideline after it is widened..
9. With regard to the proposed addition, the applicant showed that it will “square-off” the northeast corner of the rectangular outline of the dwelling, and testified that the exterior finishes of the addition will match those of the existing dwelling.
10. The Board Engineer concurred that he does not perceive there to be issues with grading or runoff that would result from the proposed development in light of the elevations of neighboring properties and existing drainage patterns.
11. The Board accepts the testimony of the applicant and the Board Engineer as credible and probative
12. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed bulk variance for the impervious lot coverage can be approved pursuant to NJSA 40:55D-70(c)(2), because the benefits to the general welfare of the proposed development substantially outweigh any detriment to the public good or impairment of the zone plan which would result from this deviation from the ordinance standard. Overall, the Board does not perceive any substantial detriment to the public good or impairment to the zone plan which would flow from the proposed development. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70 (c)(2), and subject to appropriate conditions, to grant the requested bulk variance.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variance should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of John Birch seeking an impervious lot coverage variance to allow construction of a 16' x 10' addition to the existing dwelling and widening of the driveway at a property located at 425 East Ninth Street and known on the Official Tax Maps of the Township of Florence as Lot 11 of Block 80, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witness and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. No additional stormwater shall be directed onto adjoining properties as a result of the new development.
3. All taxes and escrow fees for professional review must be paid in full.
4. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Florence Township Construction Office.
5. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
6. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
7. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within one year of the date hereof (or such extended date as may be

provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE BULK VARIANCE:

Moved by : Mr. Puccio
Seconded by : Mr. Buddenbaum
In Favor : Mr. Puccio, Mr. Buddenbaum, Mr. Cartier, Mr. Lutz
Ms. Mattis, Mr. Sovak, Chairman Patel
Opposed : None
Abstained : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Lutz
Seconded by : Mr. Sovak
In Favor : Mr. Lutz, Mr. Sovak, Mr. Cartier, Ms. Mattis, Mr. Puccio
Mr. Buddenbaum, Chair Patel
Opposed : None
Abstained : None
Absent : None

FLORENCE TOWNSHIP PLANNING BOARD

Dated: June 3, 2021

Anant Patel

Anant Patel, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on June 3, 2021 and memorializes a decision taken by the Board on May 3, 2021.

Dated: 6/03/2021

Larry Lutz, Secretary

DAVID C. FRANK
ATTORNEY AT LAW

Please note: Due to the coronavirus pandemic, meetings are being held in-person as well as virtually. Signatures may be electronic. The minutes reflect the actions taken by the Board for the memorialization of this resolution.